



**Date:** November 14, 2008

**To:** City Manager for Council Action

**From:** Director of Planning and Inspection

**Subject:** Appeal of Variance Approval for Increased Height for California's Great America Roller Coaster / Status Report on the Architectural Committee Meeting of November 5, 2008

**EXECUTIVE SUMMARY:**

At the hearing of October 28, 2008, the Council again considered the appeal hearing that was continued from the meeting of September 16. The Council did not open the hearing and declined the presentation from the City's peer-review noise consultant at that time. Based upon positive interest from both parties about meeting to try to resolve the issue, the Council continued the hearing, with the consent of the appellant, and referred the matter to the City's Architectural Committee to host a discussion with both parties before coming back to Council for a decision on the appeal of the variance application.

The Committee held a session on the morning of Wednesday, November 5, 2008, in the Central Park Library. Both parties were present with several representatives each, and the full Committee was present. The Mayor conducted the meeting and asked that both sides identify key issues and possible ways to address a suitable compromise. It was agreed at the end of the session that Great America would look into possible measures that could be taken to minimize noise and visual effects that might be experienced from the office property because of the new coaster in the proposed location adjacent to the I-Max Theater. Both parties agreed that keeping time to a minimum is important and that returning to the Committee is a suitable approach prior to Council action.

Given the time that Great America representatives anticipate will be necessary to explore possible measures, and scheduling another Architectural Committee meeting before Council review, it is recommended that Council continue the matter further, with the appellant's concurrence, to the meeting of February 24, 2009 to conclude the appeal hearing. Continuance to this date certain will not require additional hearing notice. If the process takes longer, Council could again continue the matter at the February 24 meeting. In the event that the evaluation of options can be completed in less time and may be scheduled for an earlier Council meeting, the hearing could be noticed in accordance with standard procedures and set for that earlier date.

**ADVANTAGES AND DISADVANTAGES OF ISSUE:**

Continuing the matter for a short time may allow an opportunity to craft a suitable compromise that may satisfy both parties. Use of the Architectural Committee to explore options provides a forum outside of the Council hearing process but still open for public participation.

**ECONOMIC/FISCAL IMPACT:**

There is no cost to the City other than administrative staff time and expense.

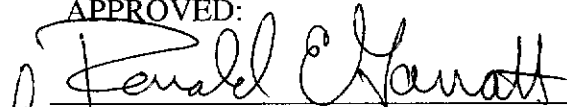
**RECOMMENDATION:**

That the Council continue the appeal of variance approval for increased height for the Great America Roller Coaster project to February 24, 2009 to allow time for the parties to explore options and to again meet with the Architectural Committee to define and agree upon a preferred option to resolve concerns regarding noise and visual effects upon the appellant's office property.



Kevin L. Riley, AICP  
Director of Planning and Inspection

APPROVED:



Jennifer Sparacino  
City Manager

***Documents Related to this Report:***

1) None